

BAKER &amp; MCKENZIE

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**Date** May 26, 2004  
**To** Attn: Petitions Office, USPTO  
**Phone**  
**Fax** 703-872-9306  
**From** James David Jacobs  
**Writer's Phone** +1 212 891 3951  
**Writer's Fax** +1 212 310 1651  
**Client/Matter No.** 56104576-56  
**Re** Application no. 09/701,818  
**Pages (w/cover)** 44

RECEIVED  
CENTRAL FAX CENTER  
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OFFICIAL

Please find attached a copy of the Petition to Revive, Fee Transmittal, and accompanying documents as submitted February 5, 2004. The Petition Decision indicates that the petition fee was not with the petition papers. However, on the Petition for Revival, we checked the boxes indicating that the petition fee for small entity of \$665 was enclosed, and, on the Fee Transmittal we authorized the USPTO to charge ANY additional fees to our deposit account. Reversal of the petition decision is therefore requested.

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If you received this communication in error, please immediately notify us by a collect telephone call. Call the writer at the writer's direct number indicated above, or Office Services at +1 212 751 5700 x 4048. Return the original message and documents to us at the above address via the United States postal service.

JUN 01 2004

## OFFICE OF PATENTS

## PATENTS

To: Commissioner of Patents &amp; Trademarks

Serial/Patent No. 09/701,818

File Date 2/20/2001

Inventor: Dennis Brian Rylatt

Title: PURIFICATION OF ANTIBODIES

Atty. Docket No. 56104576-56

Date Mailed 2/5/2004

Attorney JDJ:ahf

The U.S. Patent &amp; Trademark Office stamp herein acknowledges receipt of the following:

Continuation  
☒ Application (Utility ☒ or Design ☐ ) 17 Total Pages 3 Sheets of Drawings☐ Declaration and Power☒ Transmittal Letter Fee - in duplicate☒ Small Entity ~~Fee~~ claimed☐ Assignment☐ Response to Office Action☐ Request for Extension of Time☒ Petition to Revive 37 CFR 1.137(b)☒ Other: Power of Attorney; 37 CFR 3.73b statement; Application Data Sheet; postcard.☐ Response to Missing Parts☒ Amendment preliminary☐ IDS & Citation in Application Form☐ Certified Copy of Priority Document☐ Issue Fee Transmittal Form(s)☐ Check(s) \$

Express mail label no.: EJ622909369US

## PATENTS

To: Commissioner of Patents &amp; Trademarks

Serial/Patent No. 09/701,818

File Date 2/20/2001

Inventor: Dennis Brian Rylatt

Title: PURIFICATION OF ANTIBODIES

Atty. Docket No. 56104576-56

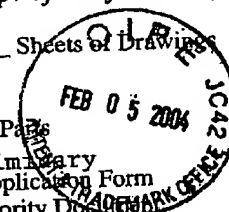
Date Mailed 2/5/2004

Attorney JDJ:ahf

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Continuation  
☒ Application (Utility ☒ or Design ☐ ) 17 Total Pages 3 Sheets of Drawings☐ Declaration and Power☒ Transmittal Letter Fee - in duplicate☒ Small Entity ~~Fee~~ claimed☐ Assignment☐ Response to Office Action☐ Request for Extension of Time☒ Petition to Revive 37 CFR 1.137(b)☒ Other: Power of Attorney; 37 CFR 3.73b statement; Application Data Sheet; postcard.☐ Response to Missing Parts☒ Amendment preliminary☐ IDS & Citation in Application Form☐ Certified Copy of Priority Document☐ Issue Fee Transmittal Form(s)☐ Check(s) \$

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Gradipore LimitedApplication No./Patent No.: 09/701,818 Filed/Issue Date: 12/1/2000Entitled: PURIFICATION OF ANTIBODIESGradipore Limited

(Name of Assignee)

, a an Australian Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 013445 Frame 0026, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6-3-03

Date

Signature

TIM LANN

Typed or printed name

CHIEF OPERATING OFFICER

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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OFFICE OF PATENTS

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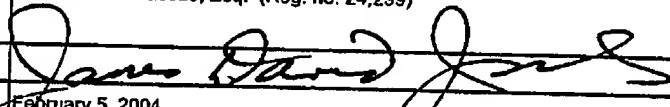
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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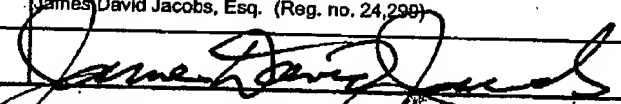
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/701,818
	Filing Date	2/20/2001
	First Named Inventor	Dennis Brian Ryfatt
	Art Unit	
	Examiner Name	James Grunn
Total Number of Pages in This Submission	Attorney Docket Number	56104578-56

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> Preliminary After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Utility patent app. transmittal; 37 CFR 3.73b Statement; Application Data Sheet; postcard; specification.
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James David Jacobs, Esq. (Reg. no. 24,299)
Signature	
Date	February 5, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being transmitted to the USPTO or deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, Mail Stop Petition. Express mail label no: EJ622909369US.		
Typed or printed name	James David Jacobs, Esq. (Reg. no. 24,299)	
Signature		Date 2/5/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 01 2004

OFFICE OF PETITIONS

PTO/SB/64 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

56104576-56

First named inventor: Dennis Brian Rylatt

Application No.: 09/701,818

Art Unit: Unknown

Filed: 2/20/2001

Examiner: James Grunn

Title: PURIFICATION OF ANTIBODIES

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of a continuation application (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments  
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent  
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (11-03)

Approved for use 07/31/2008. OMB 0651-003 1

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 5, 2004  
Date

Telephone Number: 212-751-5700

Signature

James David Jacobs (Reg. no. 24,299)

Typed or printed name

Baker & McKenzie

805 Third Avenue

Address

New York, NY 10022

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below as Express Mail Post Office to Addressee service under 37 CFR 1.10, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, Mail Stop Petition. Express mail label no.: EJ622909369US.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9308.

February 5, 2004  
Date

Signature

James David Jacobs, Esq.

Type or printed name of person signing certificate

[Page 2 of 2]

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
753**Complete If Known**

Application Number	TBA
Filing Date	2/5/2004
First Named Inventor	Dennis Brian Rylatt
Examiner Name	TBA
Art Unit	TBA
Attorney Docket No.	56104576-112

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

02-0393

Baker &amp; McKenzie

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b> 385

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	37 - 20** = 17	9	153
Multiple Dependent	8 - 3** = 5	43	215

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)  
368

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	James David Jacobs	Registration No. (Attorney/Agent)	24,299	Telephone	212-751-5700
Signature				Date	2/5/2004

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 58104576-112

First Inventor Dennis Brian Rylatt

Title PURIFICATION OF...

Express Mail Label No. **ET62290936945**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Sheets       ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - c. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement [ ☒ Power of Attorney (when there is an assignee) ]
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [ ☐ Copies of IDS Citations ]
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No.: 09/791,818

Prior application information:

Examiner James GrunnArt Unit: Unknown

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 26453    OR    ☐ Correspondence address below

Name	James David Jacobs, Esq.				
Address	Baker & McKenzie				
	805 Third Avenue - 29th Floor				
City	New York	State	NY	Zip Code	10022
Country	United States of America	Telephone	212-751-5700	Fax	212-759-9133
Name (Print/Type)	James David Jacobs, Esq.		Registration No. (Attorney/Agent)	24,299	
Signature			Date	2/5/2004	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**APPLICATION DATA SHEET****Application Information**

Application Type::	Regular
Subject Matter::	Utility
Title::	PURIFICATION OF ANTIBODIES
Request for Early Publication?::	No
Request for Non-Publication?::	No
Total Drawing Sheets::	3
Small Entity?::	Yes
Petition included?::	Yes
Petition Type::	Petition to Revive (37 CFR 1.137(b))
Attorney Docket Number::	56104576-112
Suggested Fig. for Publication::	Fig 1

**Applicant Information**

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Australia
Status::	Full Capacity
Given Name::	Dennis Brian
Family Name::	Rylatt
City of Residence::	Ryde
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**Domestic Priority Information**

Application::	Continuity Type::	Parent	Parent Filing
		Application::	Date::
This Application	Continuation of	09/701,818	02/20/2001
09/701,818	National Stage of	PCT/AU99/00424	06/02/1999

**Foreign Priority Information**

Country::	Application number::	Filing Date::	Priority Claimed::
Australia	PP 3855	06/02/1998	YES

**Assignment Information**

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of: Rylatt et al.                      Art Unit: TBA  
Serial No.: TBA    Examiner: TBA  
Filed: February 5, 2004                                  Date: February 5, 2004  
Customer No: 26453                                      Confirmation No.: TBA  
For: PURIFICATION OF ANTIBODIES

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

**SIR:**

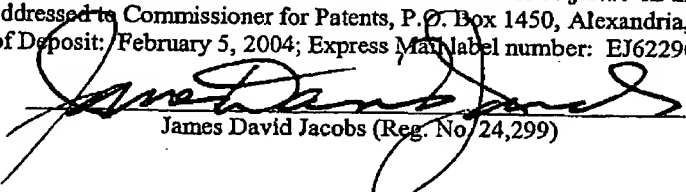
Please amend the application filed herewith as follows.

Amendments to the Claims begin on page 2.

Remarks begin on page 11.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Date of Deposit: February 5, 2004; Express Mail Label number: EJ622909369US.

  
James David Jacobs (Reg. No. 24,299)

**PATENT****Amendments to the Claims:**

Please cancel claims 1-21.

Please add claims 22-58. (Claims added have been renumbered consecutively following the highest numbered original claims.)

**Listing of Claims:**

1.-21. (Canceled)

22. (New) A method for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant, the method comprising:

(a) directing a first fluid stream having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, so as to flow along a first selective membrane, wherein such pH is selected such that contaminants with an isoelectric point lower than the isoelectric point of the at least one antibody will have a net charge;

(b) directing a second fluid stream along the first selective membrane so as to be isolated from the first fluid stream thereby;

(c) applying at least one selected electric potential across at least the first and second fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid stream; and

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(d) maintaining step (c) until at least one of the fluid streams contains the desired purity of the at least one antibody.

23. (New) The method according to claim 22 wherein the mixture is comprised of monoclonal antibodies in ascitic fluid.

24. (New) The method according to claim 22 wherein the first selective membrane has a molecular mass cut-off between about 50 kDa to about 150 kDa.

25. (New) The method according to claim 24 wherein the first selective membrane has a molecular mass cut-off of about 100 kDa.

26. (New) The method according to claim 22 wherein the pH of the first fluid stream is between about 7.5 to about 9.5.

27. (New) The method according to claim 22 wherein the method further comprises periodically stopping and reversing the at least one selected electric potential to cause movement of at least any components in the first fluid stream having entered the first selective membrane to move back into the first fluid stream and wherein substantially not causing any components which have entered the second fluid stream to re-enter the first fluid stream.

28. (New) The method according to claim 22 wherein the yield of the at least one antibody is at least about 70%.

29. (New) The method according to claim 22 wherein the yield of the at least one antibody is at least about 90%.

30. (New) The method according to claim 22 wherein the method further comprises  
(e) recovering the at least one antibody isolated from the mixture from at least one of the first and second fluid streams;

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(f) providing the at least one antibody into a third fluid stream having a selected pH and directing the third fluid stream so as to flow along a second selective membrane, wherein the pH is selected such that it is within about 1 pH unit of the at least one antibody;

(g) directing a fourth fluid stream along the second selective membrane so as to be isolated from the third fluid stream thereby;

(h) applying at least one selected electric potential across at least the third and fourth fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and other components in the third fluid stream through the second selective membrane while at least a portion of the other of the at least one antibody and other components in the third fluid stream is prevented from entering the second fluid stream; and

(i) maintaining step (h) until at least one of the fluid streams contains the desired purity of the at least one antibody.

31. (New) The method according to claim 30 wherein the second selective membrane has a larger molecular mass cut-off than the first selective membrane.

32. (New) The method according to claim 30 wherein the molecular mass cut-off of the second selective membrane is at least about 200 kDa.

33. (New) The method according to claim 30 wherein the molecular mass cut-off of the second selective membrane is about 1000 kDa.

34. (New) The method according to claim 30 wherein the pH of the third fluid stream is from about 6 to about 8.

35. (New) The method according to claim 30 wherein the pH of the third fluid stream is within 0.5 pH units of the at least one antibody.

36. (New) The method according to claim 30 wherein the yield of the at least one antibody is at least about 70%.

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37. (New) The method according to claim 30 wherein the yield of the at least one antibody is at least about 90%.

38. (New) The method according to claim 30 wherein the method further comprises periodically stopping and reversing the at least one selected electric potential to cause movement of at least any components in the third fluid stream having entered the second selective membrane to move back into the third fluid stream and wherein substantially not causing any components which have entered the fourth fluid stream to re-enter the third fluid stream.

39. (New) A method for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant comprising:

(a) directing a first fluid stream having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, so as to flow along a first selective membrane, wherein such pH is that it is within about 1 pH unit of the at least one antibody;

(b) directing a second fluid stream along the first selective membrane so as to be isolated from the first fluid stream thereby;

(c) applying at least one selected electric potential across at least the first and second fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid stream; and

(d) maintaining step (c) until at least one of the fluid streams contains the desired purity of the at least one antibody.

40. (New) The method according to claim 39 wherein the mixture is comprised of monoclonal antibodies in ascitic fluid.



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41. (New) The method according to claim 39 wherein the molecular mass cut-off of the first selective membrane is at least about 200 kDa.

42. (New) The method according to claim 39 wherein the molecular mass cut-off of the first selective membrane is about 1000 kDa.

43. (New) The method according to claim 39 wherein the pH of the first fluid stream is from about 6 to about 8.

44. (New) The method according to claim 39 wherein the pH of the first fluid stream is within 0.5 pH units of the at least one antibody.

45. (New) The method according to claim 39 wherein the yield of the at least one antibody is at least about 70%.

46. (New) The method according to claim 39 wherein the yield of the at least one antibody is at least about 90%.

47. (New) The method according to claim 39 wherein the method further comprises periodically stopping and reversing the at least one selected electric potential to cause movement of at least any components in the third fluid stream having entered the second selective membrane to move back into the third fluid stream and wherein substantially not causing any components which have entered the fourth fluid stream to re-enter the third fluid stream.

48. (New) A system for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant comprising:

means adapted for directing a first fluid stream having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, so as to flow along a first selective membrane, wherein such pH is selected such that contaminants with an isoelectric point lower than the isoelectric point of the at least one antibody will have a net charge;

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means adapted for directing a second fluid stream along the first selective membrane so as to be isolated from the first fluid stream thereby; and

means adapted for applying at least one selected electric potential across at least the first and second fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid stream.

49. (New) The system according to claim 48 wherein the system further comprises:  
means adapted for recovering the at least one antibody isolated from the mixture from at least one of the first and second fluid streams;

means adapted for providing the at least one antibody into a third fluid stream having a selected pH and directing the third fluid stream so as to flow along a second selective membrane, wherein the pH is selected such that it is within about 1 pH unit of the at least one antibody;

means adapted for directing a fourth fluid stream along the second selective membrane so as to be isolated from the third fluid stream thereby; and

means adapted for applying at least one selected electric potential across at least the third and fourth fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and other components in the third fluid stream through the second selective membrane while at least a portion of the other of the at least one antibody and other components in the third fluid stream is prevented from entering the second fluid stream.

50. (New) A system for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant comprising:

means adapted for directing a first fluid stream having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, so as to flow along a first selective membrane, wherein such pH is that it is within about 1 pH unit of the at least one antibody;

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means adapted for directing a second fluid stream along the first selective membrane so as to be isolated from the first fluid stream thereby; and

means adapted for applying at least one selected electric potential across at least the first and second fluid streams, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid stream.

51. (New) A method for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant, the method comprising:

(a) communicating a first fluid volume having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, along a first selective membrane, wherein such pH is selected such that contaminants with an isoelectric point lower than the isoelectric point of the at least one antibody will have a net charge;

(b) communicating a second fluid volume along the first selective membrane so as to be isolated from the first fluid volume thereby;

(c) applying at least one selected electric potential across at least the first and second fluid volumes, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid volume; and

(d) maintaining step (c) until at least one of the fluid volumes contains the desired purity of the at least one antibody.

52. (New) A method for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant comprising:

(a) communicating a first fluid volume having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, along a first selective membrane, wherein such pH is that it is within about 1 pH unit of the at least one antibody;

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- (b) communicating a second fluid volume along the first selective membrane so as to be isolated from the first fluid volume thereby;
- (c) applying at least one selected electric potential across at least the first and second fluid volumes, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid volume; and
- (d) maintaining step (c) until at least one of the fluid volumes contains the desired purity of the at least one antibody.

53. (New) A system for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant, the method comprising:

means adapted for communicating a first fluid volume having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, along a first selective membrane, wherein such pH is selected such that contaminants with an isoelectric point lower than the isoelectric point of the at least one antibody will have a net charge;

means adapted for communicating a second fluid volume along the first selective membrane so as to be isolated from the first fluid volume thereby; and

means adapted for applying at least one selected electric potential across at least the first and second fluid volumes, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid volume one of the fluid volumes contains the desired purity of the at least one antibody.

54. (New) A system for isolating at least one antibody from a mixture containing the at least one antibody and at least one contaminant comprising:

means adapted for communicating a first fluid volume having a selected pH and including the mixture containing at least one antibody and the at least one contaminant, along a

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first selective membrane, wherein such pH is that it is within about 1 pH unit of the at least one antibody;

means adapted for communicating a second fluid volume along the first selective membrane so as to be isolated from the first fluid volume thereby; and

means adapted for applying at least one selected electric potential across at least the first and second fluid volumes, wherein the application of the at least one selected electric potential causes migration of at least a portion of a selected one of the at least one antibody and the at least one contaminant through the first selective membrane while at least a portion of the other of the at least one antibody and the at least one contaminant is prevented from entering the second fluid volume.

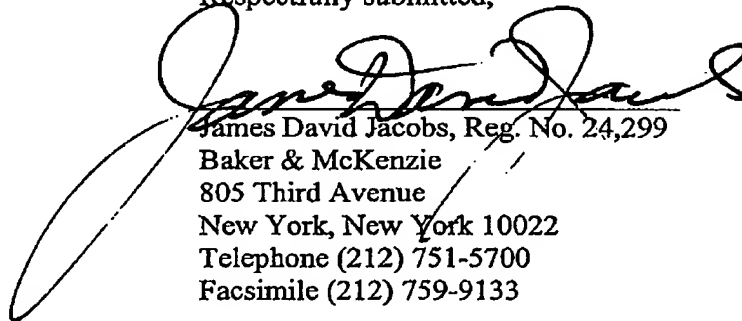
55. (New) An antibody purified by the method according to claim 22.
56. (New) The antibody according to claim 55 wherein the antibody is a monoclonal antibody.
57. (New) An antibody purified by the method according to claim 30.
58. (New) The antibody according to claim 57 wherein the antibody is a monoclonal antibody.

**REMARKS**

This preliminary amendment is submitted to amend the format of the claims to current U.S. claiming conventions. The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication to Deposit Account No. 02-0393 of Baker & McKenzie.

Dated: January 20, 2004

Respectfully submitted,



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